IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No.3673 of 2001

Date of Decision: October 19, 2007

Nand Singh and another .....Petitioners

Versus

General Public and others .....Respondents

CORAM:- HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.Arihant Jain, Advocate with
Mr.Arun Jindal, Advocate for the petitioners.

Mr.Harsh Aggarwal, Advocate
for respondent No.2.

S. D. ANAND, J.

The petitioners filed a plea for the grant of Succession Certificate by claiming that they being legal heirs of late Sant Harchand Singh Longowal are entitled to the amount lying deposited in the name of Sant Harchand Singh Longowal in the relevant Bank account. The claimants are three brothers and one sister of late Sant Harchand Singh.

The petition was resisted by Gurdwara Sahib Janam Ashthan Bhai Singh Kaimbowal (hereinafter referred to as respondent-Gurdwara Sahib) by averring that the amount lying in the aforementioned Bank account was not personal of Sant Harchand Singh but was held by him on behalf of Gurdwara Sahib. The averment, in the context, is that Sant Harchand Singh was a bachelor and on account of devotion of his life to the Gurdwara Sahib, he had severed relations with his parental family. During

the pendency of that matter, the respondent-Gurdwara Sahib filed an application for dismissal of the petition on the plea that the matter concerned is a contentious dispute on point of title and the parties ought to be relegated to the Civil Court. Reliance, in support of the view, was placed by the learned Trial Court upon **Darshana Kumari Vs. Smt.Satya Wati,** 2000 (1) PLR 173.

The petitioners (applicants before the learned Trial Court) are in revision against the impugned award.

Mr.Arihant Jain, learned counsel for the petitioners, argued that the line of reasoning adopted by the learned Trial Judge ought to be invalidated for the simple reason that the impugned account was in the individual name of Sant Harchand Singh and there is no indication whatsoever that the amount aforesaid belonged to Gurdwara Sahib and it was held by Sant Harchand Singh on behalf of Gurdwara Sahib.

The plea was contested by the learned counsel for the respondents who argued that the matter would require adjudication by adducing evidence and that exercise could best be proceeded with only in a civil suit. It was argued that the reliance placed by the learned Trial Court upon **Darshana Kumari's case** (supra) was appropriate.

There can be no dispute with the fact that the impugned account is in the individual name of Sant Harchand Singh. There is presently no indication that he held that account on behalf of Gurdwara Sahib. The parties have, even otherwise, joined issue on that point and the trial was in progress in the matter of recording of evidence when the plea for outright dismissal of the petition was preferred. In view, thus, of the fact that there is no indication whatsoever at the moment that the impugned

account had anything to do with the funds of Gurdwara Sahib or that Sant Harchand Singh held that account on behalf of Gurdwara Sahib, it cannot be said that there is any contentious dispute which would ordain the relegation of the parties to Civil Court. In that view of things, reliance placed by the learned Trial Court upon **Darshana Kumari's** case (supra), would not appear to be in order.

In the light of the foregoing discussion, the petition shall stand allowed. The impugned order shall stand set aside. The learned Trial Court shall proceed with the trial of the relevant plea in accordance with law.

(S. D. ANAND)
JUDGE

October 19, 2007
SRM

Note: Whether referred to reporter ? Yes/No